

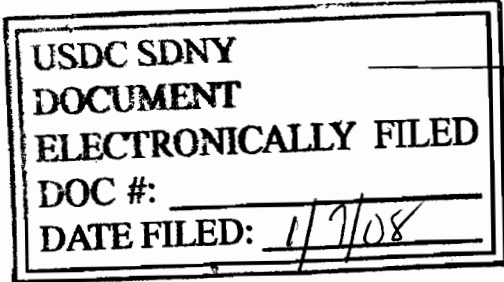
DREIER ^{LLP}

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*So ordered
1-3-08
Alf Hellerstein*

RECEIVED
JAN 03 2008
CHAMBER
ALVIN K. HELLERSTEIN
U.S.D.J.



January 2, 2008

VIA FACSIMILE

The Honorable Alvin K. Hellerstein
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: Steven S. Novick v. AXA Network, LLC and AXA Advisors, LLC
07 Civ. 7767 (AKH)(KNF)

Dear Judge Hellerstein:

In accordance with Rule 1.4 of the Local Rules of the United States District Court for the Southern District of New York, we are in the process of preparing the requisite papers for substituting in as counsel of record for plaintiff in the above-referenced action.

I am also advised that Your Honor *sua sponte* issued an Order to Show Cause, dated December 27, 2007 and returnable January 7, 2008 (the "Order"), requesting plaintiff to show cause why the instant action should not be dismissed for lack of subject matter jurisdiction for lack of complete diversity. *See attached.* We respectfully request an adjournment of that return date to January 14, 2008. Based on our conversations with plaintiff's counsel of record, as well as defendants' counsel, it is our understanding that plaintiff is a resident of Connecticut and, for diversity purposes, the defendant LLCs are residents of Delaware and New York. Accordingly, complete diversity exists. Defendants' counsel has agreed, however, to endeavor to ascertain if that understanding with respect to the members of the defendant LLCs is indeed correct. In light of the foregoing, we respectfully request the above mentioned adjournment of Your Honor's return date. By that time, we fully anticipate that we will have served and filed our motion for substitution of counsel.

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The Honorable Alvin K. Hellerstein
January 2, 2008
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No other request for an adjournment has been made with respect to the Order and counsel for defendants has consented to the requested adjournment. The next scheduled date with the Court is January 18, 2007 for a Case Management Conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amianna Stovall". The signature is fluid and cursive, with the first name "Amianna" written in a larger, more prominent script than the last name "Stovall".

Amianna Stovall

cc: Robert L. Herskovits, Esq. (*via electronic mail*)
Counsel of Record for Plaintiff

James G. Murphy, Esq. (*via electronic mail*)
Counsel for Defendants

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FAX Cover Sheet

Date: January 2, 2008

Name:	Company:	Fax No.	Tel. No.
The Honorable Alvin K. Hellerstein		(212) 805-7942	(212) 805-0152

FROM: Amianna Stovall
DIRECT DIAL: 212-328-6136

MESSAGE:

No. of Pages (including cover sheet): 4

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
STEVEN S. NOVICK,

Plaintiff,

-against-

AXA NETWORK, LLC and AXA ADVISORS,
LLC,

Defendants.
----- X

ORDER TO SHOW CAUSE

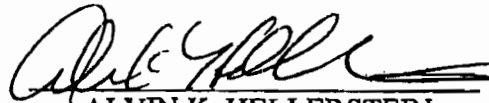
07 Civ. 7767 (AKH) (KHN)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Steven S. Novick filed his first Amended Complaint on December 18, 2007, asserting that this court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). In light of Carden v. Arkoma Associates, 494 U.S. 185, 189-96 (1990) (applying complete diversity rule to partnership) and Keith v. Black Diamond Advisors, Inc., 48 F.Supp. 2d 326, 329-30 (S.D.N.Y. 1999) (applying complete diversity rule to all individual members of limited liability corporation in light of Carden), I order, *sua sponte*, plaintiff to show cause by January 7, 2008 why this case should not be dismissed for lack of subject matter jurisdiction for lack of complete diversity under 28 U.S.C. § 1332(a); Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806).

SO ORDERED.

Dated: December 27, 2007
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge